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22 February 2013

Dear Norman

East Coast Main Line disruption, 19 and 20 February 2013

The closure of the East Coast Main Line at St. Neots on 19 and 20 February 2013 raises serious issues. Both in terms of why it happened in the first place, and about what appears from the various media reports to have been an unacceptable response to the situation from a passenger perspective. The latter arguably crossed the line between poor customer service and failure in duty of care towards passengers.

I thought you would be interested to see a copy of my letter to Anna Walker at the Office of Rail Regulation regarding this. Passengers have every right to know what will be done to prevent a recurrence, not just on the East Coast Main Line but anywhere on the rail network.

I should be grateful for any comments you may have.

Yours sincerely



Colin Foxall CBE
Chairman

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Dear Anna

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I thought it would be helpful if I set out some of the areas we feel the industry must examine as a consequence of this incident. Passengers have every right to know what will be done to prevent a recurrence, not just on the East Coast Main Line but anywhere on the rail network.

Root cause

Clearly, the incident should not have happened in the first place. The industry needs to explain why the overhead line was damaged and what steps will be taken to prevent a recurrence. If it transpires that failure of Network Rail infrastructure was the cause, what more will be done to identify underlying faults before failure? If it turns out that the train caused the damage, what more must train companies do to detect pantograph faults with the potential to cause such major disruption to the travelling public? Is the underlying design of overhead line equipment in Britain, existing and about to be rolled out, robust enough for the job?

Duty of care to passengers affected by disruption

What is especially worrying about this incident is that the industry came to strand around 200 passengers intending to catch the 2330 London Kings Cross to Leeds overnight in London – and without providing them with a hotel. This needs thorough investigation.

We feel the industry must explain why the decision to cancel the 2330 was made without alternative arrangements being put in place, given that doing so would self-evidently strand passengers intending to travel on it. Given that the train for the 2330 was a diesel, why was it not run via Cambridge to avoid the problem? Why were passengers for Grantham and Newark not invited to catch one of the last two East Midlands Trains (EMT) services from next-door St. Pancras? Was extending EMT's 0015 St. Pancras to Leicester train considered as part of the solution?



We feel that East Coast must explain why it did not appear to honour the terms of its own Passenger's Charter to arrange overnight accommodation for passengers in the event that a cancellation makes it impossible for them to reach their destination. The relevant extract is set out below:

Where we believe that because of a delay or cancellation of an East Coast train it will be impossible to get you to your destination at a reasonable time either by train or alternative transport, we will at no additional charge:

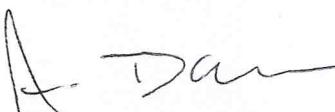
- *Either arrange for you to return to where your journey started, or another appropriate location, and ensure that you can travel again the next day; or*
- *Arrange overnight accommodation and ensure that you can travel the next day.*

While this incident involved East Coast, it raises the question "could it have happened elsewhere?" We therefore feel that every train company should be required to review the effectiveness of their contingency plans for late night service disruption. In particular, to look at their processes to ensure the 'last train' on any route is only cancelled without alternative transport in truly exceptional circumstances – and that they have robust plans to put passengers up in hotels when those exceptional circumstances occur. We feel areas to scrutinise include the appropriate level of seniority required to authorise cancellation of a 'last train' and whether train companies should adopt airline practice of distributing "Pay and Claim Vouchers", effectively a letter of authority for a passenger to incur reasonable hotel, meal and travel expenses for subsequent reimbursement.

Finally, the fact that a coach chartered to carry rail passengers disrupted by this incident crashed on the A1 prompts me to highlight that the industry does not collect, on any systematic basis, data about safety related incidents involving buses and coaches chartered by train companies, whether pre-planned or at short-notice. At our instigation, making this a mandatory requirement of the industry Safety Management Information System (SMIS) has been discussed by RSSB, but progress is slow. Perhaps this incident, which photographs (see attached) suggest could have been far more serious than it was, will provide some impetus?

I look forward to hearing your views about these issues and will write separately to Norman Baker given the Department's role in franchising. I would also welcome further discussion about how we could help ORR measure the industry's progress in handling disruption. As you know, I favour looking at what happens to passengers in practice as well as scrutiny of the industry's process documentation.

Yours sincerely


Colin Foxall CBE
Chairman

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Photograph from www.huntspost.co.uk